

802 KAR 3:010. Crime victims compensation.

RELATES TO: KRS 12.027, 49.260 - 49.490, 216B.015, 216B.400, EO 2020-708

STATUTORY AUTHORITY: KRS 49.020, 49.300(1)

NECESSITY, FUNCTION, AND CONFORMITY: Executive Order 2020-708 ("Order") requires that the Kentucky Claims Commission be abolished and the Office of Claims and Appeals be established to include the Crime Victims Compensation Board. The Order also sets forth the powers and duties of the Crime Victims Compensation Board and authorizes the board to promulgate regulations necessary to immediately carry out the provisions and purposes of the Order and the board's statutory authority. KRS 49.300(1) authorizes the Crime Victims Compensation Board to promulgate administrative regulations that are necessary to carry out the provisions of KRS 49.270 through 49.490. This administrative regulation establishes procedures for crime victims to file claims for compensation.

Section 1. Definition. "Board" means the Crime Victims Compensation Board.

Section 2. Filing Claims. (1) A claim shall be:

(a) Legibly written, typed, or printed on the Crime Victim Compensation Form;

(b) Signed by the claimant and the counsel representing the claimant, if any.

(2) A claim shall be filed:

(a) In person or by private delivery to the Crime Victims Compensation Board, 500 Mero Street, 2 SC1, Frankfort, Kentucky 40601;

(b) By mail to the address listed above; or

(c) By electronic mail to crimevictims@ky.gov, if the document can be sent in one (1) electronic message.

(3) If applying for lost wages or loss of support, a claim shall be supplemented by:

(a) A notarized Employment Verification form; and

(b) If requested by board staff:

1. A Physician Statement form; or

2. A Mental Health Counselor's Report form.

Section 3. Kentucky Medical Assistance Program. (1) The board shall cross-reference every claim with those claims that appear in the Kentucky Medical Assistance Program (KMAP) database maintained by the Cabinet for Health and Family Services.

(2) If a crime victim is covered by Medicare or Medicaid, the board's staff will provide the board a list of:

(a) All itemized medical charges for which the victim seeks compensation; and

(b) The victim's services covered by medical assistance as reported in KMAP.

(3) Upon making an award to a Medicaid-eligible crime victim, the board shall not consider any medical bills submitted by or on behalf of the victim for any KMAP-covered services.

(4) If the board makes an award to a victim who received medical assistance for a KMAP-covered service, the KMAP as final payor shall not be responsible for the payment of any portion of the claim awarded by the board.

Section 4. Attorney's Fees. If a claimant is represented by an attorney and the attorney so requests, the board, may, as a part of any award or by separate order subsequent to the award, allow a reasonable attorney's fee for the filing of a claim and any subsequent proceedings. The fee shall not exceed fifteen (15) percent of the amount of the award, and shall be paid out of the award and not in addition to the award. An attorney, representing a

claimant, shall not contract for or receive as a fee any sum larger than fifteen (15) percent of the amount of the award. Any fee contract in violation of this provision shall be void.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Crime Victim Compensation Form", August 2020;
- (b) "Employment Verification", August 2020;
- (c) "Physician Statement", August 2020; and
- (d) "Mental Health Counselor's Report", August 2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero St 2SC1, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://cvcb.ky.gov/Pages/default.aspx>. (44 Ky.R. 2166, 2328; eff. 6-1-2018; TAm eff. 11-22-2019; 47 Ky.R. 801, 1386; eff. 4-6-2021.)